



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARK  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/722,828	11/28/00	NINOMIYA	107971

OLIFF & BERRIDGE, PLC  
P.O. BOX 19928  
ALEXANDRIA, VA 22320

EXAMINER	
J. DOTE	
ART UNIT	PAPER NUMBER
1756	17

DATE MAILED:

### INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

- (1) Mr. H.J. VOELLER (REG. NO. 48,015) (3) \_\_\_\_\_  
(2) JANIS L. DOTE (PTO) (4) \_\_\_\_\_

Date of Interview JULY 8, 2003

Type: ☐ Telephonic ☐ Televideo Conference ☒ Personal (copy is given to ☐ applicant ☒ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No If yes, brief description: \_\_\_\_\_

Agreement ☐ was reached. ☐ was not reached.

Claim(s) discussed: 7-10

Identification of prior art discussed: Shimojo

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed last  
132 Declaration filed on 2/24/03 (Paper No 12). The examiner stated  
that the declaration should compare to the closest prior art.  
As discussed in the rejection over Shimojo, the examiner has  
determined that Shimojo's example 31 is the closest prior art.  
(see page 2)  
(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary. A FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

Examiner Note: You must sign this form unless it is an attachment to another form.

*Janis L. Dote*

## Manual of Patent Examining Procedure, Section 713.04 Substance of Interview must Be Made of Record

Except as otherwise provided, a complete written statement as to the substance of any face-to-face or telephone interview with regard to an application must be made of record in the application, whether or not an agreement with the examiner was reached at the interview.

### §1.133 Interviews

(b) In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111 and 1.135. (35 U.S.C. 132)

§ 1.2. Business to be transacted in writing. All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete a two-sheet carbon interleaf Interview Summary Form for each interview held after January 1, 1978 where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks in neat handwritten form using a ball point pen. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, pointing out typographical errors or unreadable script in Office actions or the like, or resulting in an examiner's amendment that fully sets forth the agreement are excluded from the interview recordation procedures below.

The Interview Summary Form shall be given an appropriate paper number, placed in the right hand portion of the file, and listed on the "Contents" list on the file wrapper. In a personal interview, the duplicate copy of the Form is removed and given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephonic interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication.

The Form provides for recordation of the following information:

- Application Number of the application
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (personal or telephonic)
- Name of participant(s) (applicant, attorney or agent, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the claims discussed
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). (Agreements as to allowability are tentative and do not restrict further action by the examiner to the contrary.)
- The signature of the examiner who conducted the interview
- Names of other Patent and Trademark Office personnel present.

The Form also contains a statement reminding the applicant of his responsibility to record the substance of the interview.

It is desirable that the examiner orally remind the applicant of his obligation to record the substance of the interview in each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check a box at the bottom of the Form informing the applicant that he need not supplement the Form by submitting a separate record of the substance of the interview.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview:

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner. The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he feels were or might be persuasive to the examiner,
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete or accurate, the examiner will give the applicant one month from the date of the notifying letter to complete the reply and thereby avoid abandonment of the application (37 CFR 1.135(c)).

### Examiner to Check for Accuracy

Applicant's summary of what took place at the interview should be carefully checked to determine the accuracy of any argument or statement attributed to the examiner during the interview. If there is an inaccuracy and it bears directly on the question of patentability, it should be pointed out in the next Office letter. If the claims are allowable for other reasons of record, the examiner should send a letter setting forth his or her version of the statement attributed to him. If the record is complete and accurate, the examiner should place the indication "Interview record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.



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page 2

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(2) \_\_\_\_\_ (4) \_\_\_\_\_

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Agreement ☐ was reached. ☐ was not reached.

Claim(s) discussed: \_\_\_\_\_

Identification of prior art discussed: \_\_\_\_\_

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed

proposed amendments to claims 13 & 15-19. See attached. Discussed  
changes to claims 13 and 19 as shown in <sup>the</sup> attached copy. The  
examiner stated that the amendments appear to overcome  
the 112 rejections set forth in last office Action.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

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- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner. The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he feels were or might be persuasive to the examiner,
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### Examiner to Check for Accuracy

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**Amendments to the Claims:**

The following listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Previously Amended) A toner for developing an electrostatic latent image comprising a binder resin, a colorant, and a wax, wherein in regard to the molecular weight by GPC of the THF dissolved components of the toner, the ratio of at least  $5 \times 10^5$  in the integral molecular weight distribution is not higher than 1% by weight, the ratio of not higher than  $3 \times 10^3$  in the integral molecular weight distribution is not higher than 30% by weight, and the ratio  $\{W(5 \times 10^3)/W(1 \times 10^5)\}$  is from 15 to 50, wherein  $\{W(5 \times 10^3)\}$  represents a ratio of not higher than  $5 \times 10^3$  in the integral molecular weight distribution, and  $\{W(1 \times 10^5)\}$  represents a ratio of at least  $1 \times 10^5$  in the integral molecular weight distribution respectively.

2. (Original) The toner for developing an electrostatic latent image according to claim 1, wherein the binder resin comprises at least a binder resin (A) and a binder resin (B), the binder resin (A) having a weight average molecular weight (Mw) in a range from 8000 to 18000 and a ratio (Mw/Mn) of the weight average molecular weight (Mw) to a number average molecular weight (Mn) of the binder resin (A) from 2 to 4, the binder resin (B) having a weight average molecular weight (Mw) in a range from 20,000 to 40,000, and a ratio (Mw/Mn) of the weight average molecular weight (Mw) to a number average molecular weight (Mn) from 3 to 5.

3. (Original) The toner for developing an electrostatic latent image according to claim 1, wherein the wax has a melting point in a range from 70 to 100°C.

4. (Original) The toner for developing an electrostatic latent image according to claim 3, wherein the wax has a melting viscosity from 1 to 200 mPa·s at 110°C.

5. (Original) The toner for developing an electrostatic latent image according to claim 1, wherein the toner further contains inorganic fine particles in the inside thereof in an amount of from 1 to 10% by weight to the toner.

6. (Original) The toner for developing an electrostatic latent image according to claim 1, wherein the molecular weight by GPC of the THF dissolved components of the toner is distributed in the range of not larger than  $1 \times 10^6$ , the value of the differential molecular weight distribution of the molecular weight of  $5 \times 10^3$  is not larger than 0.55%, and the value of the differential molecular weight distribution of the molecular distribution of the molecular weight of  $1 \times 10^5$  is not larger than 0.15%.

7. (Original) A toner for developing an electrostatic latent image comprising a binder resin, a colorant, and a wax, wherein the molecular weight by GPC of the THF dissolved components of the toner is distributed in a range of not larger than  $1 \times 10^6$ , the value of the differential molecular weight distribution of the molecular weight  $5 \times 10^3$  is not larger than 0.55%, and the value of the differential molecular weight of the molecular weight  $1 \times 10^5$  is not larger than 0.15%.

8. (Original) The toner for developing an electrostatic latent image according to claim 7, wherein the binder resin comprises at least a binder resin (A) and a binder resin (B), the binder resin (A) having a weight average molecular weight (Mw) in a range from 8000 to 18000, and a ratio (Mw/Mn) of the weight average molecular weight (Mw) to a number average molecular weight (Mn) from 2 to 4, the binder resin (B) having a weight average molecular weight (Mw) in a range from 20,000 to 40,000, and a ratio (Mw/Mn) of the weight average molecular weight (Mw) to a number average molecular weight (Mn) from 3 to 5.

9. (Original) The toner for developing an electrostatic latent image according to claim 7, wherein the wax has a melting point in a range from 70 to 100°C.

10. (Original) The toner for developing an electrostatic latent image according to claim 7, wherein the wax has a melting viscosity of from 1 to 200 mPa·s at 100°C.

11. (Original) The toner for developing an electrostatic latent image according to claim 7, wherein the toner further contains inorganic fine particles in the inside thereof in an amount of from 1 to 10% by weight to the toner.

12. (Original) A two-component developer comprising a carrier and a toner, wherein the toner is the toner described in claim 1.

13. (Currently Amended) An image forming process comprising a step of forming an electrostatic latent image on a latent image holding member, a step of forming a toner image by developing the electrostatic latent image with a toner, a step of transferring the toner image onto a transfer material to form a transfer image, and a step of fixing the transferred image using a fixing apparatus comprising ~~at least one roller~~ a heat roller and a pressure press roller, wherein the toner is the electrostatic latent developing toner described in claim 1, and wherein a surface layer of the ~~at least one roller~~ heat roller and the pressure press roller comprises a releasing resin, and a releasing liquid is not substantially supplied to the surface layer of the ~~at least one roller~~. *if said heat and said pressure roller*

14. (Withdrawn)

15. (Currently Amended) The image forming process according to claim 13, wherein when an amount of the toner image formed on the transfer material before fixing is 0.50 mg/cm<sup>2</sup>, the toner image has a glossiness after fixing (75 degree gloss) of from 40 to 60.

16. (Currently Amended) The image forming process according to claim 13, wherein ~~the fixing apparatus comprises a heat roller and a pressure roller, the heat roller having~~ has a surface temperature of from 150 to 180°C.

17. (Currently Amended) The image forming process according to claim 13, wherein ~~the fixing apparatus comprises a heat roller and a pressure roller, the heat roller and~~

the pressure roller each ~~having~~ have a peripheral transferring speed of from 70 to 120 mm/second.

18. (Currently Amended) The image forming process according to claim 13, wherein the ~~fixing apparatus has a heat roller and a~~ the pressure roller, ~~the heat roller and the press roller having a rubber hardness of from 55 to 85 degrees by Asker C, and~~ have a pressing force therebetween from 392 to 638N.

19. (Currently Amended) The image forming process according to claim 13, wherein the ~~fixing apparatus has a heat roller and a pressure roller, each of the heat roller and the pressure roller having~~ have an elastic layer and <sup>the</sup> a surface layer on a core surface in this order, ~~and the elastic layer having a rubber hardness of from 10 to 40 degrees by Asker C.~~

20. (Withdrawn)



### Applicant Initiated Interview Request Form

Application No. 09/722,828 First Named Applicant: Masandou NINOMIYA  
Examiner: Janis Dote Art Unit: 1700 Status of Application: Rejection

**Tentative Participants:**

(1) Jim Voeller (2) Janis Dote  
(3) \_\_\_\_\_ (4) \_\_\_\_\_

Proposed Date of Interview: 7/8/03 Proposed Time: 10 (AM/PM)

**Type of Interview Requested:**

(1) ☐ Telephonic (2) ☒ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES

☒ NO

If yes, provide brief description: \_\_\_\_\_

### Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rej</u>	<u>7-10</u>	<u>Shimojo, Nanya</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

**Brief Description of Arguments to be Presented:**

Declaration addressing Shimojo toner composition

An interview was conducted on the above-identified application on \_\_\_\_\_.

**NOTE:**

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Voeller  
(Applicant/Applicant's Representative Signature)

Janis L. Dote  
(Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.